

1 Jason C. Doolen
2 6665 Secluded Ave.
3 Las Vegas, Nv. 89110
4 702 526-4128

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COUNSEL/PARTIES OF RECORD	
JUN 23 2014	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

5 **UNITED STATES DISTRICT COURT**
6
7 **DISTRICT OF NEVADA**

8 Jason C. Doolen

9 Plaintiff,

10 vs,

No. 2:14-cv-00716-JCM-VCF

12 Bank of America

13 Defendant.

MOTION FOR ENTRY OF DEFAULT

14 / **FINAL JUDGEMENT**

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16
17 **PLAINTIFF'S MOTION FOR DEFAULT JUDGEMENT FOR FAILURE TO**
18 **PLEAD OR OTHERWISE DEFEND**

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20 Plaintiff Jason C. Doolen respectfully moves the court to enter default judgement against
21 Bank of America upon the complaint heretofore filed and served upon the defendant in accordance
22 with Fed. R. Civ. P. 12, 54 & 55, and in support thereof shows the court the following.

- 23 1) A Complaint was filed on May 7, 2014 against defendant, Bank of America, for 2
24 violations of Title 15 U.S.C. 1681, The Fair Credit Reporting Act. (Docket No.1)
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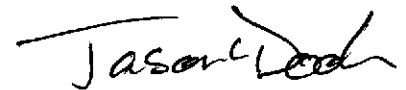
1 2) Defendant was served on May 16, 2014 thru a Bank Officer appointed to receive service
2 of process. (Docket No. 3&4)

3 3) Plaintiff Applied for Clerk's Entry of Default and received entry on June 16, 2014
4 (Docket No.7)

5 **CONCLUSION**
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7
8 For the foregoing reasons, the Plaintiff, Jason C. Doolen, moves the Court to enter final
9 judgment against Bank of America: (1) assess a \$2000 statutory fine pursuant to 15 U.S.C. 1681
10 and (2) \$491.17 in fees for filing and mailing. A Memorandum of Law and a proposed Judgement
11 is attached to this Motion.
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14 Respectfully Submitted

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18 Jason C. Doolen
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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 Jason C. Doolen

9 Plaintiff,

10 vs,

No. 2:14-cv-00716-JCM-VCF

11 Bank of America

12 Defendant.

13 **MEMORANDUM OF LAW**

14 _____ /
15
16 **MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR FINAL**
17 **DEFAULT JUDGMENT**

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19
20 Plaintiff Jason C. Doolen respectfully moves the court to enter default judgement against
21 Bank of America upon the complaint heretofore filed and served upon the defendant in accordance
22 with Fed. R. Civ. P. 55, and in support thereof shows the court the following.
23

24 **FACTUAL BACKGROUND**

1 Plaintiff, in early 2014, received and reviewed his credit reports. Upon review Plaintiff
2 found 2 unauthorized impermissible inquiries into his credit report by the defendant. Through the
3 USPS Plaintiff disputed the inquiries with the Credit Reporting Agencies (Equifax, Experian, and
4 Transunion) and the defendant, Bank of America. During which defendants responded in letter that
5 the Plaintiff's assertion was correct and the inquiries would be removed. Plaintiff notified the
6 defendant of violation of 15 U.S.C. 1681. No further response from the defendant has been heard
7 since.
8

9 The Plaintiff filed a Complaint against the defendant on May 7th, 2014 in the United States
10 District Court for the District of Nevada. The Complaint alleges 2 counts of Non- Compliance to
11 follow 15 U.S.C. 1681 The Fair Credit Reporting Act. On May 13, 2014 summons was issued. On
12 May 16, 2014 defendant was served the Complaint and Summons thru Elizabeth Maciel as
13 Banking Officer, an agent lawfully designated by statute to accept such serve of process at 300 S.
14 4th St., Las Vegas, NV 89101. Answer from defendant was due June 6, 2014.
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16 By June 13, 2014 defendant had not filed an Answer to the Complaint with the Clerk of
17 this Court, nor has it served a copy of the Answer to the Plaintiff. on June 16, 2014 The Clerk of
18 this Court approved and filed Clerk's Entry of Default as to Bank of America.
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20 The Plaintiff recognizes that entry of a default judgment against a defendant is a severe
21 remedy. See, e.g., E.F. Hutton & Co., Inc. v. Moffatt, 460 F.2d 284, 285 (5th Cir. 1972). Where, as
22 here, however, a party does not respond to a properly served Complaint and ignores a duly issued
23 and properly served Summons of a Court, a default judgment, though drastic, is the appropriate
24 and, indeed, only recourse. See In re Knight, 833 F.2d 1515, 1516 (11th Cir. 1987)(where party
25 offers no good reason for late filing of answer, entry of default judgment appropriate); First City
26 Nat'l Bank of Fort Worth v. Cook, 117 F.R.D. 390 (N.D. Tex. 1987)(default judgment appropriate
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1 where party served has failed to answer). The Plaintiff would prefer that this case be decided upon
2 its merits and has every confidence it would prevail at a trial. Since the defendant does not appear
3 disposed to defend this action, however, this Court has as the only avenue available to conclude
4 this matter, the entry of a default judgment against defendant.

5
6 CONCLUSION

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8 For the foregoing reasons, the Plaintiff, Jason C. Doolen, moves the Court to enter final
9 judgment against Bank of America: (1) assess a \$2000 statutory fine pursuant to 15 U.S.C. 1681
10 and (2) \$491.17 in fees for filing and mailing.
11

12
13 Respectfully Submitted

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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 Jason C. Doolen

9 Plaintiff,

10 vs,

No. 2:14-cv-00716-JCM-VCF

11
12 Bank of America

13 Defendant.

DEFAULT JUDGEMENT

14 _____/
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16
17 **FINAL DEFAULT JUDGMENT**

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19 The defendant, Bank of America, having failed to appear, plead or otherwise defend in this
20 action, Plaintiff having requested judgement against the defaulted defendant and having filed a
21 proper motion and affidavit in accordance with Fed. R. Civ. P. 55 had default entered on June 16,
22 2014.

23 Judgement is hereby entered in favor of Plaintiff, Jason C. Doolen and against defendant,
24 Bank of America, as follows; \$2491.17 for statutory fines and fees.
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